

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DIMAS RODRIGUEZ, on behalf of himself
and all other plaintiffs similarly situated,

Plaintiff,

v.

LEGACY HEALTHCARE FINANCIAL
SERVICES, LLC; and LAGRANGE
SKILLED NURSING FACILITY d/b/a THE
GROVE OF LAGRANGE PARK,

Defendants.

Case No. 22-cv-04532

Hon. Robert W. Gettleman

**DEFENDANT LEGACY HEALTHCARE FINANCIAL
SERVICES, LLC'S MOTION TO DISMISS**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Legacy Healthcare Financial Services, LLC ("Legacy"), respectfully moves this Court for an Order dismissing Plaintiff Dimas Rodriguez's ("Plaintiff") Class and Collective Action Complaint (the "Amended Complaint") as to Defendant Legacy, as Plaintiff has pleaded no facts establishing that Legacy ever employed Plaintiff under the Fair Labor Standards Act (Count I) or the Illinois Minimum Wage Law (Count II), and thus this Court does not have subject matter jurisdiction over this matter. In support this Motion, Legacy files herewith a Memorandum of Law.

Respectfully submitted,

**LEGACY HEALTHCARE FINANCIAL
SERVICES, LLC**

By: /s/ Jason C. Kim
One of Its Attorneys

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Dated: December 20, 2022

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on December 20, 2022, he caused the foregoing document to be electronically filed with the Clerk of Court using CM/ECF, which sent notification of such filing to all counsel of record.

/s/ Alexis M. Dominguez
Alexis M. Dominguez